

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DARRELL SIGGERS-EL,

Civil Action No. 01-72729

Plaintiff,

Arthur J. Tarnow  
United States District Judge

v.

DAVID BARLOW,

Wallace Capel, Jr.  
United States Magistrate Judge

Defendant.

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**FINAL ORDER GRANTING PLAINTIFFS' REQUEST  
FOR DECLARATORY AND INJUNCTIVE RELIEF AND JUDGMENT AWARDING  
DECLARATORY AND INJUNCTIVE RELIEF**

**I. INTRODUCTION**

A jury trial was held in this matter on November 15-16, 2005. Pursuant to the jury's verdict, which the Court treated as advisory for the purposes of Plaintiff's request for declaratory and injunctive relief, the Court finds that Plaintiff is entitled to declaratory and injunctive relief. Pursuant to Fed.R.Civ.P. 52(a), the Court sets forth its findings of fact and conclusions of law below. In addition, the Court hereby enters judgment awarding declaratory and injunctive relief under Fed.R.Civ.P. 58. In reaching its verdict, the Court has considered Plaintiff's proposed judgment, Defendant's objections to the proposed judgment, and Plaintiff's response to Defendant's objections.

**II. FINDINGS OF FACT**

The Court finds that Defendant, David Barlow, designated Plaintiff for transfer after Plaintiff complained to Defendant's supervisors that Defendant had failed to authorize disbursements of money from Plaintiff's prison account to pay his lawyer to review his appellate brief and file and to meet with him concerning his criminal conviction. The Court also finds that the question of whether or not Plaintiff could be placed under Defendant's supervision at some

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point in the future is not moot, and that the likelihood of such placement is sufficient to warrant injunctive relief.

### **III. CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Court concludes that Defendant retaliated against Plaintiff in violation of Plaintiff's First Amendment rights.

### **IV. CONCLUSION**

Based on the foregoing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECLARED that Defendant, David Barlow, violated Plaintiff's First Amendment rights.

IT IS FURTHER ORDERED that Defendant, David Barlow, is enjoined from serving in a position of direct or indirect authority over Plaintiff for the duration of Plaintiff's imprisonment with the Michigan Department of Corrections.

SO ORDERED.

s/Arthur J. Tarnow  
United States District Judge

#### **Proof of Service**

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record herein by electronic means or U.S. Mail on **December 30, 2005**.

s/Kim Grimes  
Acting in the absence of  
Theresa Taylor, Case Manager